

ROGER W. WENTHE
ROGER WENTHE, PLLC
Nevada Bar No. 8920
2831 St. Rose Pkwy. # 200
Henderson, NV 89052
Telephone: (712) 971-0541
Roger.Wenthe@gmail.com

GRACE Y. PARK (*pro hac vice*)
gspark@cpmlegal.com
JEFFREY G. MUDD (*pro hac vice*)
jmudd@cpmlegal.com
COTCHETT, PITRE & McCARTHY, LLP
2716 Ocean Park Blvd., Suite 3088
Santa Monica, California 90405
Telephone: (310) 392-2008
Facsimile: (310) 392-0111

Attorneys for Relators

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA *ex rel.*
TED SWITZER and DIXIE SWITZER and
STATE OF CALIFORNIA *ex rel.* TED
SWITZER and DIXIE SWITZER;

Plaintiffs,

V.

ROBERT C. WOOD, II; *et al.*;

Defendants.

CASE NO. 2:23-cv-00999-ART-NJK

STATUS REPORT AND STIPULATION FOR 21-DAY EXTENSION OF TIME TO FILE DISMISSAL PAPERS

1 Relator Dixie Switzer in her own stead and as executor to the estate of Ted Switzer (“relators”),
 2 and defendants Thomas Dunn, M.D., Archie Perry, M.D., TDSW, LLC, and Kainalu, LLC
 3 (“defendants”) provide the following status report and stipulation for a 21-day extension of time to file
 4 dismissal papers.

5 On February 21, 2024, relators and defendants filed their joint notice of tentative settlement of
 6 the entire action, “subject to the negotiation of mutually agreeable settlement documentation and
 7 approval by the United States Department of Justice [(“DOJ”)].” (Dkt. 151). In that notice, the parties
 8 explained that “the timeline for approval of *qui tam* settlement agreements from DOJ varies
 9 significantly, but typically ranges from 45 to 90 days.” (*Id.*). On April 23, 2024, the Court issued an
 10 order “to file dismissal papers or a joint status report by May 21, 2024.” (Dkt. 152).

11 Since the February 21, 2024, filing of the notice of tentative settlement, relators and defendants
 12 have agreed on the terms of a settlement agreement. On March 19, 2024, relators and defendants
 13 provided that agreement to the U.S. Attorney’s Office for the Central District of California (“USAO-
 14 C.D. Cal.”)¹ and DOJ for their approval. Also on March 19, 2024, relators submitted their request for
 15 a percentage of the relator’s share pursuant to 31 U.S.C. § 3730(d)(2), which was resubmitted on April
 16 24, 2024 following discussions with DOJ. On April 29, 2024, relators and defendants agreed on the
 17 terms of the dismissal of this action in its entirety and provided that dismissal to DOJ for its approval
 18 on that same date.

19 Counsel for relators have had multiple conversations with DOJ regarding the terms of the
 20 settlement agreement, relator’s share, and dismissal and anticipate that DOJ will complete its review
 21 process by June 11, 2024, or 21 days after the Court’s order “to file dismissal papers or a joint status
 22 report by May 21, 2024.” (Dkt. 152).

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27 ¹ USAO-C.D. Cal. principally investigated this action while it was under seal. On May 16, 2023,
 28 the Central District of California severed this action, part of which was transferred to the District of
 Nevada. The claims against other defendants are pending in the Central District of California and the
 Southern District of Georgia.

1 Accordingly, relators and defendants respectfully request that the deadline to file dismissal
2 papers be extended to June 11, 2024.

3 Respectfully submitted,

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5 Dated: May 8, 2024

COTCHETT, PITRE & McCARTHY LLP

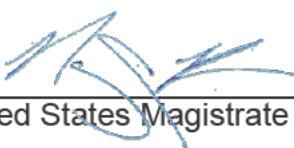
6 By: /s/ Grace Y. Park
7 GRACE Y. PARK
8 JEFFREY G. MUDD
9 *Attorneys for Relators*

10 Dated: May 8, 2024

FOLEY & LARDNER LLP

11 By: /s/ Thomas F. Carlucci
12 THOMAS F. CARLUCCI
13 *Attorney for Defendants Thomas Dunn, M.D.,
14 Archie Perry, M.D., TDSW, LLC, and Kainalu,
15 LLC*

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19 **IT IS SO ORDERED:**

20 By: 
21 United States Magistrate Judge

22 Dated: May 9, 2024